

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

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| MARC VEASEY, <i>et al.</i> , | § | |
| | § | |
| Plaintiffs, | § | |
| VS. | § | CIVIL ACTION NO. 2:13-CV-00193 |
| | § | |
| GREG ABBOTT, <i>et al.</i> , | § | |
| | § | |
| Defendants. | § | |

**DEFENDANTS' REPLY IN SUPPORT OF ADVISORY
REGARDING UPCOMING ELECTIONS, AND IN THE ALTERNATIVE,
MOTION TO STAY COURT'S AUGUST 23 ORDER**

Defendants file this reply in support of the Advisory filed on August 25, 2017 [D.E. 1074] regarding upcoming elections in cities and school districts. Following this court's August 23 order [D.E. 1071], Defendants immediately began implementing the court's injunction by conferring with the Secretary of State's office and the Department of Public Safety regarding ID-related election procedures. The Secretary of State's office has since updated the VoteTexas.gov website with a notice and link to the court's order. The Department of Public Safety has removed all content related to Election Identification Certificates from their website. After the court issued its order, the Secretary of State's office learned that certain jurisdictions had elections scheduled for August 26, 2017 and September 9, 2017, and that early voting had either concluded or was ongoing for those elections. All of the cities and school districts¹ identified in the Advisory used the election procedures outlined in the

¹ The City of Socorro, City of Sealy, City of Desoto, City of Rowlett, Crossplains Independent School District, Caldwell Independent School District, Troup Independent School District, Springtown

interim remedy order during early voting. Defendants brought the facts in the Advisory to the court's attention as soon as Defendants became aware of them.

Private Plaintiffs have now responded to the Advisory, indicating their view that those election officials would need a stay of the injunction to complete each election as planned, and indicating that these Plaintiffs do not oppose such a stay. D.E. 1075. To the extent necessary for these election officials to comply with the court's injunction, Defendants request that their Advisory be treated as a motion to stay the effect of its order for the elections identified in the Advisory. The election procedures in the interim remedy order would be used only for these elections because early voting had ended or was ongoing at the time the court issued its August 23 order. To change course in the middle of a scheduled election would cause voter confusion. *Cf. Purcell v. Gonzalez*, 549 U.S. 1, 4-5 (2006) (per curiam); *see also* Tex. Elec. Code § 31.005. To the extent the Secretary of State's office learns of other elections that are similarly impacted by the court's August 23 order, Defendants will alert the court and Private Plaintiffs immediately. For these reasons, Defendants request that the court enter an order staying the effect of its August 23 order for the elections scheduled for August 26, 2017 and September 9, 2017 and the early voting associated with each.

Independent School District, Chappel Hill Independent School District, Trinity Independent School District, Quinlan Independent School District, and Morgan Mill Independent School District conducted elections on August 26, 2017. Denton Independent School District and the City of Southlake have elections scheduled for September 9, 2017, and were in the middle of early voting, which began on August 22, 2017, when this court issued its August 23 order.

Finally, Defendants' separate motion for a stay of the court's final injunction remains pending. D.E. 1073. Defendants request a ruling on that motion as soon as possible in light of the pressing deadline to finalize the language on the voter registration certificates, so that county registrars can issue the certificates by the statutory deadlines. *See Exhibit A*, Declaration of Keith Ingram.

Date: August 28, 2017

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2017, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

/s/ Angela V. Colmenero